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DEVELOPMENT
CITY OF NEWPORT BEACH

Proposed amendment to Newport Beach City Code

I wish to have Newport Beach Code Section 20.60.030 (Extensions into yards) amended and updated to reflect current conditions in my neighborhood of Cliff Haven.

I specifically want to address only living hedges which grow on the side of a homeowner property within the front yard setback space from the curb.

I want to allow hedges 6' high to grow behind a 10' setback from the street. The current code permits a 6' hedge only after a 20' setback from the street.

There are several reasons why this simple change should occur. They are:

- ① The 20' setback was initially put in place to allow for possible streetlights and sidewalks to be constructed in front of each homeowners home. Since I have lived on Kings Road for over 58 years, this has never occurred (or been discussed) and there would be a revolution if the city would initiate such a bold and foolish project. Furthermore, no real estate agent or homeowner has ever disclosed this possibility to potential buyers. I'm sure most homeowners in my neighborhood would be quite upset when they have to give up $\frac{1}{2}$ of their front yard for public use.
- ② Devaluation of property values + loss of jobs for city workers. In the 58 years I have lived in my home, I have seen larger + larger homes being built - I have never seen a home downsized!!

Due to this home size increase, there is often larger families moving in which generates more cars. Driveways are wider and often cars are parked in the street or in driveways. This was not so in 1953. To screen ugly neighbors cars, trash cans, etc from view, it is necessary to create your own private front garden space for your own well being. You devalue property, lower property taxes to the city, and create more ill will amongst neighbors if the city enforces removal of such privacy screens. This creates a downward spiral, ultimately degrading entire neighborhoods and thereby creating more financial problems for Newport Beach. Surely the city needs to think long term, especially in these hard economic times.

③ Aesthetics

I am a trained and educated landscape designer. Larger homes require larger plants so that there is balance of scale and size. As a neighborhood matures, plants take on a larger visual impact for each and every home. This is a common aspect of older neighborhoods. When a prospective buyer evaluates a home in an older neighborhood, the plantings are a major part of that persons decision to buy. This continuity creates value to the city in terms of higher property taxes, and it also creates a sense of comfort and well being to the new homeowner. The city should not reverse this by cutting down peoples gardens and exposing views to ugly cars parked in the street or in a neighbors driveway.

④ Unenforceable

This code is unenforceable because hundreds of homeowners in Cliff Haven and Newport Heights are in violation because they all have hedges that are over 3' high that extend all the way to the street.

Among the homeowners in violation is Tod Ridgeway, ex-mayor of Newport Beach. He told me this hedge code is "unenforceable." Another person in violation is Rush Hill, my city councilman. His hedge is over 3' high. Both of these people live on Kings Road. The city park is next to Rush Hill's home. He parks his car in his driveway. Do you want me to devalue both the park and his home by cutting down his hedge? Surely this has to be taken into consideration because I could switch on him, you would be forced to cut it down and you would have a disaster to deal with. Do you want that? Do you want to cut the income stream to Newport Beach? Do you want to create ill will and ugliness? Do you want to be confronted with lawsuits?

⑤ Retaliation

Sometimes adults behave like children and when they find some obscure code problem, they call the authorities, slam their enemies, and rejoice with simple minded pride when they snitch on a neighbor anonymously. Newport Beach should not and cannot become a player in that type of behavior.

Los Angeles has ~~lost~~ lost to the tune of several millions of dollars in regards to lawsuits which allowed retaliation to take place.

Surely you don't want to be dragged into any more lawsuits. By the way, I have filed lawsuits in the past regarding my neighbor and won.

⑥ Equality and Fairness

On the south side of Kings road, the setback is only 10'. Therefore I want my garden restrictions to be the same as theirs.

⑦ Selective enforcement

Only homeowners who receive an anonymous complaint are targeted for garden violations. This is wrong. Have any of you been targeted? It is a sickening feeling. There must be a better way.

Certainly this code amendment I am proposing will reduce the pressure on the city, be more in line with reality, and be more appropriate for today's neighborhoods in Newport Beach.

Thank you for your consideration,

Bruce Trotter

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